NHS
Cornwall and
Isles of Scilly

# Pay progression policy

**Date approved:** 1 July 2021

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# Document control sheet

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# Version control

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| V1 | 23 March 2021 | Tricia Phillips | Creation of policy |
| V2 | 20 May 2021 | Charlotte Burnard | Update of policy based on NHS pay progression update. |
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# 1. Introduction

NHS Cornwall and Isles of Scilly Integrated Care Board (ICB) seeks to create a culture where colleagues work to their full potential, achieve their objectives and are up to date with all their mandatory training.

The national terms and conditions of service handbook specifically annex 23 is explicit in that pay progression is dependent on an individual demonstrating that they have achieved the required level of knowledge, skills and performance for their role.

This is known as incremental pay progression. This procedure applies to all colleagues of the organisation employed under agenda for change (AFC) terms and conditions of service and describes the approach to be followed concerning pay progression.

The 2018 framework agreement on the reform of AFC subsequently introduced provisions to move to a new pay system with faster progression to the top of pay bands through fewer pay step points underpinned by mandatory local appraisal.

These provisions came into effect for all colleagues from the 31 March 2021. Pay progression is no longer automatic on an annual basis under the new system.

Any amendments to the NHS terms and conditions of service handbook will supersede this policy as new pay arrangements are agreed. This policy will be updated to reflect any changes.

This policy applies to all colleagues on AFC terms and conditions of employment including those on permanent and temporary contracts. Secondees from other organisations will be subject to the policy of their employing organisation.

ICB will determine a fair and consistent approach to applying this policy and will give consideration to a colleague's individual circumstances when considering a request for pay progression.

# 2. Purpose

ICB has a duty to provide high quality services to our stakeholders and partners and strives to be a high performing organisation that continuously improves quality, safety and the patient experience. It is a key part of the organisations strategy to achieve its goals through maximising the contribution of each colleague.

In support of this aim, and in accordance with AFC, this policy sets out the basis upon which an individual's performance drives pay progression. It is expected that colleagues who can demonstrate the required level of performance and conduct, have met their objectives and are compliant with their statutory and mandatory training will progress annually through the pay points in their salary band.

For colleagues in pay bands 8C, 8D and 9, pay progression to the top pay band is earned on an annual basis and therefore not subject to pay protection. Where

colleagues in these points or bands do not meet the locally determined performance standards for a given year, the annually earned pay point may be withdrawn.

The application of this policy will be monitored to ensure fair application, this will be done by monitoring where pay progression is declined and the reasons for this.

# 3. Definitions

## Appraisal

The meeting, attended by a designated supervisor and colleagues, at which the colleague's overall performance during the past year is discussed jointly. The objectives agreed at the previous appraisal are reviewed and new objectives for the coming year are developed and agreed.

## Appraiser

The person responsible for facilitating the colleague's appraisal, this is usually their line manager but may be delegated to a colleague who holds a supervisory role.

## Appraisee

The colleague receiving and taking part in the appraisal.

## Incremental pay point

Incremental pay progression for all pay points within each of the 9 NHS pay bands (1-9) will be conditional upon individuals demonstrating that they have the requisite knowledge and skills and competencies for their role and that they have demonstrated the required level of performance in accordance with ICB's values and associated behaviours framework during the review period. There are additional criteria applicable to colleagues on pay bands 8C, 8D and 9.

## Incremental date

The date on which incremental progression will take place, normally on an annual basis, provided the appropriate level of performance and delivery has been achieved during a review period.

## Electronic staff record (ESR)

An integrated people and organisational development (POD) and payroll system for NHS organisations which has a range of functions and enables employers to record information about colleagues including, for example, appraisal renewal and completion dates.

# 4. Responsibilities

## Senior management team

- Setting organisational objectives, competencies and standards.
- Ensuring all colleagues receive regular supervision and 1:1s from line managers.
- Arranging reviews when managers are absent.
- Ensuring managers are trained in the appraisal and process.
- Ensuring the policy is applied in a consistent and equitable manner.

## Line managers

- Undertake annual appraisals and schedule pay progression meetings.
- Discuss with the colleague their pay progression.
- Meet the timescales required.
- Provide appropriate coaching, support and a personal development plan.
- Demonstrate they have supported the colleague to achieve pay progression.
- Ensure the colleague undertakes statutory and mandatory training.
- Approve or decline pay affecting progression on the receipt of pro forma.
- Ensure that forms are sent to the POD team.
- Ensure colleagues are aware of the right to appeal.

They should also ensure that if absence or other circumstances delay or prevent the completion of a pay step review, this is escalated to a senior manager in a timely manner to ensure that appropriate contingency measures can be implemented.

For Bands 8C, 8D and 9, they should contact a member of the POD team, via email, at the beginning of the month prior to the colleagues pay step date, if pay progression is to be declined or deferred for any reason.

## Colleagues

Colleagues should initiate the process by completing and submitting the pay progression pro forma from appendix 1 to their line manager within the specified timescale. They should also make their manager aware of any constraints that are preventing them from achieving their objectives and agree a solution.

They should demonstrate that they have reached a satisfactory level of performance and achievement of objectives within the previous 12 months.

They should also:

- actively participate in the annual and on-going appraisal process
- jointly agree and work towards their objectives
- ensure they are compliant with statutory and mandatory training requirements
- highlight reasons for not complying with statutory and mandatory training
- achieve a satisfactory level of conduct in the previous 12 months prior

## People and organisational development (POD)

- Provide advice and support on the policy and procedure.
- Monitor statutory and mandatory training.

# 5. Pay progression procedure

## Making a request for pay progression

Pay step progression is a joint responsibility of the colleague and the line manager. A colleagues pay step date should be discussed during 1 to 1 meetings throughout the year so that both the colleague and the line manager know and agree when they need to schedule the pay step review meeting.

The colleague needs to initiate the process 2 months prior to the month that their pay step date is due by submitting a completed pro forma to their line manager requesting pay progression. See appendix 1.

This timescale is to ensure that the line manager has opportunity to review the colleague against the criteria set out below. For example, for a pay step date of 16 December 2021 the colleague would submit their request to their line manager no later than 16 October 2021. Any late submissions will be considered individually and may not be accepted.

## Step progression

It is the colleague's responsibility to make a request for pay step progression in the specified timescales.

ESR service users will also receive notifications generated by the system to advise employees and managers when a pay step is imminent. Managers will be sent monthly emails detailing the pay steps dates of their direct reports which are due within the next 90 days.

It is the line manager's responsibility to arrange a pay step review meeting with the colleague in a timely manner to discuss whether the standards have been met. This should be based on the colleague's most recent appraisal, within the previous 12 month period, and any progress since then. The manager must summarise and record the outcome of this discussion on the pay step progression pro forma in appendix 1, provide appropriate feedback and confirm their decision to the colleague. A copy of the form should be retained by the colleague and also included on the colleague's personal file.

## Conditions for pay progression

The following conditions should be met for pay progression to be approved:

- the colleague demonstrating the required level of performance and ensuring expected behaviours in line with ICB's values
- achievement of objectives from appraisal
- completion of all required statutory and mandatory training

- no live disciplinary sanctions (including any attached to professional registrations, where applicable)
- not on a formal stage of ICB's Performance Policy.
- for those who line manage they should have completed appraisals for all their direct reports as appropriate.

If the colleague has failed to meet the pay progression criteria because of constraints, beyond their control, they must evidence this on the pay progression pro forma in appendix 1. The line manager will consider this when deciding about pay progression.

In cases of continuing concerns about an individual's performance, the line manager should refer to the performance policy and procedure for guidance and discuss with the POD team. However, it is emphasised that this policy should be used at the appropriate time and action should not be delayed until the appraisal is being undertaken.

## Pay progression that falls within a prolonged period of agreed or recognised leave

For colleagues whose pay step date falls within a period of long-term leave, for example, sickness, maternity, shared parental leave or adoption leave or suspension, the line manager would consider the 12 month period prior to the commencement of the current episode of leave to decide on pay progression. In these instances, if colleagues have not had the opportunity to complete the relevant appraisal paperwork, then they will automatically progress if they have met the other requirements above. Further guidance is available from the POD team.

Colleagues on secondment will undertake the pay progression procedure of the employing organisation.

The pay step date of any colleague on a career break is frozen until their return to work. If the pay step date is imminent on their return, then they will progress as normal to the next pay step point within their pay band to ensure they are not penalised. However, it is recommended that a review takes place to ascertain that their statutory and mandatory training is updated and recorded as compliant. If the pay step date is 3 months or more in advance of their return the normal process would apply.

## Colleagues on pay bands 8C, 8D and 9

NHS employers have not decided on what constitutes a 5% or 10% deduction. Until this time, the re-earnable salary review process will be on hold.

For colleagues on pay bands 8C, 8D and 9, progression to the top point on their pay band is annually earned in the same way as for other AFC colleagues. The top pay point on their band is only retained where the appropriate level of performance has been reached. Pay progression for this level of performance will be non-recurring and reviewed on an annual basis. When an individual who holds an annually earned

pay point has not met the required level of performance and delivery for a given year, they will have one annual earned point withdrawn. The last 2 pay points in pay bands 8C, 8D and 9 (the annually earned points) will not be subject to pay protection.

Once they have reached the top of their band, the expectation is that all staff will meet the required standards set out in the criteria above and will re-earn the relevant element of pay annually. The first point at which the re-earnable element becomes relevant is 12 months after employees have passed through their pay step point to reach the top of the band.

In the year after an employee has reached the top of the bands 8C, 8D or 9, 5% or 10% of basic salary will become re-earnable and appendix 1 should be completed. Where the required standards are met, salary is retained at the top of the band.

Where the criteria set out above are not met, salary may be reduced by 5 % or 10% from the pay step date. The employee will be able to restore their salary to the top of the band at the end of the following year by meeting the required standards. Support will be given by the line manager to help to improve performance. The employee has the right to appeal a decision to reduce their pay.

### Colleagues not on AFC terms and conditions of employment

It is expected that all colleagues directly employed by ICB will be appraised.

Pay progression for very senior managers (VSMs) will need to be agreed in accordance with their contractual arrangements.

Pay progression for colleagues employed under the medical and dental terms and conditions of employment will need to be agreed in accordance with their contractual arrangements and the national agreement.

## 6. Approving the request for pay step progression

Pay progression of one step point will be conditional upon colleagues demonstrating that they have achieved the requisite criteria detailed above. The line manager will review the colleague's performance against the criteria for pay progression in conjunction with section a of the pro forma in appendix 1.

The line manager will need to ascertain that the colleague has no warnings in place at the time of the application date. If a disciplinary sanction is issued to a colleague between their application for pay step progression and their pay step date the line manager will decline the request, update ESR and contact payroll and the POD team to stop the progression.

If the colleague has not actively participated in an appraisal, has failed to meet the agreed objectives or is not compliant with statutory and mandatory training applicable to their role then pay step progression would not be approved.

However, if the colleague has failed to meet the criteria due to valid organisational constraints beyond their control pay step progression would be approved.

If the colleague has met the criteria for pay progression their request would be approved.

When approving a request, the line manager must complete section b of the pro forma to confirm that they have made the colleague and POD team aware of the pay progression. It is imperative that the line manager completes a contract amendment form (CAF) and notifies the POD team at the beginning of the month prior to the date to ensure the timescale is met to make the payment at the appropriate time.

# 7. Declining the request for pay step progression

## Deferment of pay step progression

At the pay step date, any colleague remaining non-compliant in line with the associated timescales will not receive their pay step progression. In such circumstances pay progression will subsequently be deferred for up to 12 months until the next annual pay step date. Where a colleague does not meet the required level of performance, a personal development plan (PDP) will be implemented after the original review and achievement against this will be used to determine whether an increment will be paid. If at this stage the colleagues request for pay step progression is approved, it will be paid from this date, no retrospective payments would be due.

The decision to defer pay step progression must have been discussed with the colleague prior to any deferment being implemented. The line manager will complete section b of the pro forma in appendix 1 to record that pay step progression has been deferred and update ESR complete a CAF to notify POD team.

Any individual for whom pay step progression has been deferred must be offered the appropriate support in order that they have the fairest opportunity to meet the performance requirements in future.

Managers are expected to agree a 3-month development plan to improve performance. The performance management policy should be instigated at this point if it is not already in progress. Advice should be sought from a POD team member. Colleagues have the opportunity to request a review of their development plan at the end of the 3-month period. If the colleague has improved and met requirements, they can follow the procedure to make a request for pay step progression.

If pay step progression is awarded after the 3-month development plan, the increment date will remain the same and they will receive an uplift in payment for the remaining 9 months of the year onto the next pay step point. No retrospective payments would be due for the outstanding development period. If the colleague does not meet the criteria of the development plan, they cannot apply for pay progression again until the following year. For example, for a pay step date of the 4 October 2021, pay progression will not be considered again until the 4 October 2022.

## 8. The right of appeal

Where a colleague disagrees with the decision made to defer the pay step progression, the colleague has the right to request a review of the decision. To do so they must set out the grounds for appeal in writing.

An appeal panel hearing will be set up to review the decision. The review will be undertaken by a senior manager and a POD team member. The manager will also be required to attend the appeal to explain why they believe the pay step progression cannot be agreed.

The colleague will be given 5 working days' notice of the review panel hearing and will be entitled to be accompanied at the meeting by a work colleague or trade union representative, provided they are not acting in a legal capacity.

It will be up to the appeal panel to decide based on the evidence provided by both the colleague and the line manager, whether or not pay step progression is approved.

Where a panel considers that pay step progression has been inappropriately deferred, the pay progression will be reinstated from the step point date and retrospective payments made from that date.

The colleague must be informed of the outcome of their review in writing within 5 workings days of the date of the meeting. This is the final decision and the end of the formal procedure, there is no right to invoke the grievance policy.

## 9. Implementation and monitoring

The policy will be implemented after review with staff voice and the unions. It will also be made available to all colleagues for comment.

Records will be kept by the POD department of all instances of declined pay progression made under this policy and any appeals raised in respect of it. This information will be audited on a periodic basis.

## 10. Review

As this is a new policy. It will be reviewed after one year. Where review is necessary due to legislative change or amendments to the NHS terms and conditions of service, this will happen immediately.

## 11. Policies referred to in this document

- Performance policy and procedure.
- Disciplinary policy and procedure.
- Statutory and mandatory training policy

# Appendix 1: Pay step progression pro forma

## Section A: Colleague declaration

To be completed for all pay affecting progression applications and annually where the colleague is on the top 2 spine points of bands 8C, 8D and 9.

Please ensure that you submit this to your line manager 2 months prior to the month that your pay step date is due.

**Colleague name:** Click or tap here to enter text.
**Job title:** Click or tap here to enter text.
**Band:** Click or tap here to enter text.
**Pay step due date:** Click or tap to enter a date.
**Manager name:** Click or tap here to enter text.
**Last appraisal date**: Click or tap to enter a date.

I can confirm that:

☐ All my statutory and mandatory training is up to date and recorded as compliant.

☐ I have achieved satisfactory appraisals and associated objectives.

☐ I have no live formal disciplinary warnings, including any attached to professional registration where applicable.

☐ I am not in the formal stage of the performance process.

For managers only:

☐ I have completed all appraisals for my direct reports as required.

**Please note any mitigation:** Click or tap here to enter text.

**Signed:**

**Date:** Click or tap to enter a date.

## Section B: Line manager declaration

Please select 1 option from the options below:

☐ The colleague has met the pay progression criteria and will progress to the next pay step point.

☐ The colleague has met the performance standards and will retain their current pay point (pay bands 8C, 8D, and 9 for the last 2 spinal points only).

☐ The colleague has failed to meet the required criteria for pay step progression but that there are constraints beyond their control that have prevented the achievement of this and will therefore progress to the next increment (discuss with POD team and detail reasons below).

**Reasons (if above statement ticked):**
Click or tap here to enter text.

☐ I confirm that the colleague is on maternity or adoption leave, or on long term sickness absence and they have been assessed on their performance over the 12 months prior to their current period of leave where possible and will progress to the next pay step point.

## Progression declined

Please select 1 option from the options below:

☐ The colleague has failed to meet the criteria for pay step progression and there are no valid constraints that have prevented this therefore pay step is declined.

☐ The request for pay step progression has been declined and the colleague will reduce to the previous pay point (pay point bands 8C, 8D and 9 only for the top 2 bands, email people and organisational development team to advise of this) and advised of any necessary actions.

By signing I confirm that the colleague has been made aware of the outcome of the review, and where appropriate they have been made aware of their right of appeal, and the people and organisational development team has been advised of any necessary actions.

**Date of pay step review meeting**: Click or tap to enter a date.

**Name:** Click or tap here to enter text.
**Position**: Click or tap here to enter text.
**Date**: Click or tap to enter a date.

**Signature**:

A copy of this form must be sent to the POD team at: ciosicb.peopleteam@nhs.net and retained on the personal file.

# Appendix 2: Equality impact assessment

**Name of policy or service to be assessed:** Pay progression policy
**Department or section:** People and organisational development
**Date of assessment:** April 2021
**Person(s) responsible for the assessment:** Tricia Phillips
**Is this a new or existing policy?** New

## Aims, objectives and purpose of the policy

**Describe the aims, objectives and purpose of the policy:**

The overall aim of the policy is to detail the approach to pay progression for ICB.

**Who is intended to benefit from this policy, and in what way?**

Colleagues by providing a documented approach to pay progression and managers dealing with pay progression.

**What outcomes are wanted from this policy?**

Clear, consistent and good understanding of the process.

**What factors or forces could contribute or detract from the outcomes?**

Failure to consistently apply the principles of the policy. Failure by managers to adhere to the policy and processes.

**Who are the main stakeholders in relation to the policy?**

Colleagues, trade union representatives and management.

**Who implements the policy, and who is responsible for the policy?**

Managers implement with POD support. The POD team are responsible for the policy.

## Differential impacts

### Perspective of race, nationality and/or ethnic origin

**Does this have a positive or negative impact on black, Asian and minority ethnic (BAME)?**

The application of this policy will be monitored to ensure fair application.

**How will any negative impact be mitigated?**

Not applicable.

## Perspective of sex

**Does this have a positive or negative impact on people who identify as male, female or intersex?**

There will be no negative impacts on this group providing the policy is applied consistently.

**How will any negative impact be mitigated?**

Not applicable.

## Perspective of disability

**What is the positive or negative differential impact on people from the perspective of disability?**

There will be no negative impacts on this group providing the policy is applied consistently. Where an employee may be on long term sickness absence, their performance over the 12 months prior to their current period of leave will be assessed where possible, to mitigate against any negative impact that any absence and/or disability may have for the individual.

**How will any negative impact be mitigated?**

Not applicable.

## Perspective of sexual orientation

**Does this have a positive or negative impact on people who identify as heterosexual, lesbian, gay, bisexual, pansexual or asexual?**

There will be no negative impacts on this group providing the policy is applied consistently.

**How will any negative impact be mitigated?**

Not applicable.

## Perspective of age

**What is the positive or negative differential impact on people from the perspective of age?**

There will be no negative impacts on this group providing the policy is applied consistently.

**How will any negative impact be mitigated?**

Not applicable.

## Perspective of religion or belief

**What is the positive or negative differential impact on people from the perspective of religion or belief?**

There will be no negative impacts on this group providing the policy is applied consistently.

**How will any negative impact be mitigated?**

Not applicable.

## Perspective of marriage and civil partnership

**What is the positive or negative differential impact on people from the perspective of marriage and civil partnership? This is particularly relevant for employment policies.**

There will be no negative impacts on this group providing the policy is applied consistently.

**How will any negative impact be mitigated?**

Not applicable.

## Differential impact perspective of gender re-assignment

**Does this have a positive or negative impact on people who identify as trans or transgender, non-binary or gender fluid?**

There will be no negative impacts on this group providing the policy is applied consistently.

**How will any negative impact be mitigated?**

Not applicable.

## Perspective of pregnancy and maternity

**Does this have a positive or negative impact on people who are pregnant, breast feeding mothers, or those on maternity leave?**

There may be issues with meeting timescales referred to in the policy. Where an employee may be on maternity or adoption leave, their performance over the 12 months prior to their current period of leave will be assessed where possible, to mitigate against any negative impact that any leave may have for the individual.

**How will any negative impact be mitigated?**

Timescales may need to be adjusted dependent on childcare or anticipated delivery date.

### Other identified groups

No other groups were identified.

**How will any negative impact be mitigated?**

Not applicable.

## Human rights values

**How have the core human rights values of fairness, respect, equality, dignity and autonomy been considered in the formulation of this policy, service or strategy?**

ICB is committed to a policy of equal opportunities in employment. The aim of this policy is to ensure that no individual receives less favourable treatment because of their race, colour, nationality, ethnic or national origin, or on the grounds of their age, gender, gender reassignment, marital status, domestic circumstances, disability, HIV status, sexual orientation, religion, belief, political affiliation or trade union membership, social or employment status or is disadvantaged by conditions or requirements which are not justified by the job to be done. This policy concerns all aspects of employment for existing colleagues and potential employees.

**Which of the human rights articles does this document impact?**

☐ To life
☐ Not to be tortured or treated in an inhuman or degrading way
☐ To liberty and security
☒ To a fair trial
☐ To respect for home and family life, and correspondence
☐ To freedom of thought, conscience and religion
☐ To freedom of expression
☐ To freedom of assembly and association
☐ To marry and found a family
☐ Not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention
☐ To peaceful enjoyment of possessions

**What existing evidence (either presumed or otherwise) do you have for this?**

The policy is designed to give a clear, consistent approach.

**How will you ensure that those responsible for implementing the policy are aware of the human rights implications and equipped to deal with them?**

Ensuring that managers are aware of the policy and that the POD team are consulted where appropriate.

## Public Sector (Social Value) Act 2012

ICB is committed and obliged to fulfil the requirements of the Public Sector (Social Value) Act 2012. This Act requires the organisations to consider how services commissioned or procured might improve the economic, social and environmental wellbeing of an area.

**Please describe how this will support and contribute to the local system, wider system and community.**

Please consider:

- the inclusion of small medium size enterprises (SMEs) in the process and supply chain
- economic – promote skills, tackle worklessness, maintain employment, increase volunteer hours to support the community and promote inclusion
- social – reduce anti-social behaviour, tackle exclusion by promoting inclusion including to vulnerable groups
- environmental – support local, reduce congestion.

**Describe how the policy contributes towards eliminating discrimination, harassment and victimisation.**

There will be no negative impacts on this group providing the policy is applied consistently.

**Describe how the policy contributes towards advancing equality of opportunity.**

The policy provides an equal approach for all colleagues.

**Describe how the policy contributes towards promoting good relations between people with protected characteristics.**

The policy provides an equal approach for all colleagues.

**If the differential impacts identified are positive, explain how this policy is legitimate positive action and will improve outcomes, services and/or the working environment for that group of people.**

Not applicable.

**Explain what amendments have been made to the policy or mitigating actions have been taken, and when they were made.**

Not applicable.

**If the negative impacts identified have been unable to be mitigated through amendment to the policy or other mitigating actions, explain what your next steps are using the following equality impact assessment action plan.**

Not applicable.

**Signed (completing officer):** Tricia Phillips

**Date:** April 2021

**Signed (head of department or section):** Emma Goudge

**Date:** April 2021